

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

WRITTEN OPINION

(PCT Rule 66)
Response due September 27, 2004

Date of Mailing
(day/month/year) **25 AUG 2004**

Applicant's or agent's file reference

310048-72895

REPLY DUE

within 1 months/days from
the above date of mailing

International application No.

PCT/US03/25584

International filing date (day/month/year)

15 August 2003 (15.08.2003)

Priority date (day/month/year)

16 August 2002 (16.08.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B32B 3/16; G09F 3/10 and US Cl.: 428/40.1; 283/81,101

Applicant

AVERY DENNISON CORPORATION

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 16 December 2004 (16.12.2004)

Name and mailing address of the IPEA/US

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WRITTEN OPINION

International application No.

PCT/US03/25584

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 - pages 1-14 _____, as originally filed
 - pages NONE _____, filed with the demand
 - pages NONE _____, filed with the letter of _____.
- ☒ the claims:
 - pages 15-29 _____, as originally filed
 - pages NONE _____, as amended (together with any statement) under Article 19
 - pages NONE _____, filed with the demand
 - pages NONE _____, filed with the letter of _____.
- ☒ the drawings:
 - pages 1-7 _____, as originally filed
 - pages NONE _____, filed with the demand
 - pages NONE _____, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 - pages NONE _____, as originally filed
 - pages NONE _____, filed with the demand
 - pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE _____
- ☐ the claims, Nos. NONE _____
- ☐ the drawings, sheets/fig NONE _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>5, 17 and 26-29</u>	YES
	Claims <u>1-4, 6-16, and 18-25</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-29</u>	NO
Industrial Applicability (IA)	Claims <u>1-29</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claim 13 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim is indefinite for the following reason(s): there is no antecedent basis for the phrase "the adhesive."

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

Claims 1-3, 6-7, and 12 lack novelty over Aoyagi (#4,032,679).

Aoyagi discloses a multi-removable label construction comprising a face stock layer that is back with pressure sensitive adhesive, a cut pattern in the face stock layer that defines a removable sub-label within the face stock layer, and a release liner member that backs and extends beyond the removable sub label, and that backs less than the entire area of the face stock layer. The face stock layer comprises adhesive coated paper and the removable sub-label comprises information printed thereon. The multi-removable label is provided on a sheet comprising a plurality of labels.

Claims 1-4, 6-16, and 18-25 lack novelty over Stipek, Jr. (#3,914,483).

Stipek, Jr. disclose a multi-removable label construction comprising a face stock layer that is backed with pressure sensitive adhesive (Col. 1, lines 51-54), a cut pattern in the face stock layer that defines a removable sub-label within the face stock layer (Col. 2, lines 1-3; Fig. 6, #33), a release liner member that backs and extends beyond the removable sub label (Col. 1, lines 57-62; see Fig. 6, #25), and that backs less than the entire area of the face stock layer (Fig. 6, #25). The face stock layer comprises adhesive coated paper (Col. 1, lines 51-52) and the removable sub-label comprises information printed thereon (Col. 1, lines 10-13). The information may be mailing information (Col. 1, lines 10-13; Col. 2, lines 18-29; Col. 3, lines 13-17 - note that the Examiner has defined indicia of an "informative nature" to be inclusive of mailing information). The multi-removable label is provided on a sheet comprising a plurality of labels (Col. 1, line 46; Fig. 1).

Stipek, Jr. further discloses a multi-label sheet assembly comprising a first removable means for providing a first removable label and second removable means for providing at least one second removable label, wherein the at least one second removable label is formed by and within the first removable label (Fig. 6; Col. 2, lines 1-10 and 43-46). The first removable label means comprises adhesive coated paper (Col. 1, lines 51-54) and the second removable label means comprises information printed thereon (Col. 1, lines 10-13; Col. 2, lines 18-29; Col. 3, lines 13-17). The first removable label may comprise a return address removable label and the at least one second removable label may comprise a send address removable label (Col. 1, lines 10-13; Col. 2, lines 18-29; Col. 3, lines 13-17).

Stipek, Jr. further discloses a multi-removable label construction comprising a face stock layer that is backed with pressure sensitive adhesive, a first cut pattern in the face stock layer and an adhesive that defines an outer label, a second cut pattern in the face stock layer and the adhesive that defines at least one inner label within the outer label, a release liner member that backs and extends beyond the inner label, and that backs less than an entire area of the face stock layer and the adhesive (see Fig. 6). The face stock layer comprises adhesive coated paper (Col. 1, lines 51-54). The at least one inner label comprises information printed thereon wherein the information may be mailing information (Col. 1, lines 10-13; Col. 2, lines 18-29; Col. 3, lines 13-17). The multi-removable sheet is provided on a sheet comprising a plurality of multi-removable labels (see Fig. 1).

Finally, Stipek, Jr. disclose a label assembly comprising a face stock layer coated with pressure sensitive adhesive, the face stock being backed with a release liner, a first line of weakness pattern in the face stock layer defining a first removable label,

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

line of weakness pattern within the first line of weakness pattern defining a second removable label, the first and second line of weakness patterns extending through the back stock but not the release liner, and a third line of weakness pattern in the release liner, the third line of weakness pattern being intermediate to the first and second line of weakness patterns, said third line of weakness pattern extending through the release liner but not the face stock layer (see Fig. 6; Col. 2, lines 1-10 and 30-46). The label assembly may further comprise a fourth line of weakness pattern within the first line of weakness pattern defining an additional removable label (Col. 2, lines 42-46). Given the fact that multiple lines of weakness are formable within the label substrate, at least one of the lines of weakness can serve as a fold line to facilitate separation of the labels wherein the fold line can be one of the lines of weaknesses outside the second line of weakness. The lines of weakness are die cuts (Col. 2, lines 30-46).

Claims 5 and 17 lack an inventive step over Stipek, Jr. ('483) in view of DeMatte et al. (#5,985,424).

Stipek teaches a multi-removable label as detailed above. Although Stipek teaches that the face stock sheet comprises indicia imprinted thereon or otherwise affixed to the face or front surface (Col. 2, lines 18-20), Stipek fails to teach the use of an inkjet ink-receptive coating layer on the paper face stock sheet.

DeMatte et al., however, teach the use of imprintable paper substrates comprising an additional inkjet ink-receptive coating (see Abstract). DeMatte et al. teach the use of an inkjet ink-receptive coating for the purpose of providing a substrate whose printed surface has a superior capacity for keeping the dyes in the ink on the surface with minimal spreading, tailing, or blurring, thereby providing a sharp image (see Abstract). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to have combined the teachings of Stipek and DeMatte et al. since each of the aforementioned references are analogous insofar as providing paper substrates with printed indicia, DeMatte et al. ultimately providing an improvement upon imprintable paper substrates by including an ink-receptive layer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to have modified Stipek to include an inkjet ink-receptive layer on the paper face stock sheet as taught by DeMatte et al. in order to provide a substrate whose printed surface has a superior capacity for keeping the dyes in the ink on the surface with minimal spreading, tailing, or blurring, thereby providing a sharp image.

Claims 26-29 lack an inventive step over Stipek, Jr. ('483) in view of Rawlings (#6,170,879), GB 2 177 373 (hereinafter GB '373), or Langan (#5,686,159).

Stipek teaches a label assembly as detailed above. Stipek fails to teach the use of a piggyback label-type embodiment. It is notoriously well known in the art, however, to provide label substrates in piggyback label-type formation for the purpose of providing a label with a removable portion the ability to be adhered to a product such that the product user can remove the removable portion of the label assembly while the remainder of the label assembly remains attached to the product as evidenced by Rawlings (see Figs. 1-6), GB '373 (see Figs. 1-4), and Langan (see Figs. 1-4). With regards to lines of weakness, Langan teaches the use of lines of weakness through the entire substrate (see Figs. 5-6, #43) for the purpose of facilitating easy removal of the labels (Col. 4, lines 32-34). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to have combined the teachings of Stipek, Jr. with Rawlings, GB '373, or Langan ('159) since each of the aforementioned references are analogous insofar as providing label substrates with removable sub-portions, whereby each of Rawlings, GB '373, and Langan teach an improvement over Stipek in providing an additional adhesive layer via a piggyback label-type formation to facilitate application to a substrate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to have modified Stipek to include a piggyback label-type embodiment as taught by Rawlings, GB '373, or Langan in order to provide a label with a removable portion the ability to be adhered to a product such that the product user can remove the removable portion of the label assembly while the remainder of the label assembly remains attached to the product as evidenced by Rawlings. It would have been further obvious to modify Stipek to include lines of weaknesses in each of the label layers based on the teachings of Stipek alone since Stipek teaches that the lines of weakness facilitate removal of the removable sub-portions, or in view of the teachings of Langan, since Langan also teaches the use of lines of weakness through the entire substrate to facilitate easy removal of the labels.

----- NEW CITATIONS -----